IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 16609 of 2005

Between:

Sri Ashish Kumar and 2 others

..... PETITIONERS

AND

The Andhra Pradesh Housing Board

rep by its Vice Chairman and Housing Commissioner
Gruha Kalpa M.J.Road, Hyderabad.

.....RESPONDENT

ORDER:

Seeking to issue a Mandamus, declaring the action of the respondent in not conveying the undivided extent of land while executing the registered sale deed dated 16.12.2004 in favour of the petitioners in respect of Shop No.4 in Commercial Complex at Kukatpally Main Raod, Kukatpally, Hyderabad, as illegal and arbitrary, the present writ petition is filed.

It is the case of the petitioners that they have participated in the auction conducted by the respondent for sale of shops at Kukatpally as per paper notification dated 19.06.2004 and they became as highest bidders at Rs.35,01,000/- in respect of Shop No.4 comprising a plinth area of 567 sq.feet, including common area, and after payment of entire amount and completion of formalities, the respondent executed a sale deed in favour of the petitioners. The petitioners approached the financial

institutions seeking loan for doing business and the financials institutions pointed out that the sale deed does not contain the recital of conveying the undivided extent of land. The petitioners made a representation to the respondent in this regard on 09.05.2005, but the respondent has not taken any steps to convey the undivided extent of land in favour of the petitioners. Hence the writ petition.

Heard the learned counsel for the petitioners and the learned standing counsel for the respondent.

The sale deed of the petitioners does not contain the recital with regard to conveying the undivided extent of land. Admittedly, the representation of the petitioners dated 09.05.2005 is pending consideration before the respondent and the respondent has to pass appropriate orders thereon in accordance with law.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondent to consider the representation of the petitioner dated 09.05.2005 and pass appropriate orders thereon, in accordance with law, after giving an opportunity to the petitioner, within a period of 8 (eight) weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No order as to costs.

_____

ELIPE DHARMA RAO,J

Dated: 28.07.2005

Dsr